

MICHIGAN COURT OF APPEALS

Annual Report 2005



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Introduction

The Michigan Court of Appeals was created by the Constitution of 1963, Article VI, Section 1.

When it first began operation in 1965, the bench of the Court of Appeals was comprised of nine judges. As filings with the Court grew from a low of 1,235 in 1965 to a high of 13,352 in 1992, the Legislature increased the size of the bench to 12 judges in 1969, to 18 judges in 1974, to 24 judges in 1986, and to 28 judges in 1993. Originally, the Court was comprised of only three districts, with principal offices in Lansing, Detroit and Grand Rapids. The Legislature apportioned the state into four districts in the mid-1990's, and the office that is now located in Troy was opened.

In 2005, the Court had facilities in five locations across the state. About 228 employees (judges and staff) worked in these locations, linked by a statewide computer network that is supported by the Court's in-house Information Systems Department. On any given day, Court employees make close to 1,000 docket entries on the electronic case management system. At the same time, mail staff in four principal locations daily process some 225 newly filed documents for movement between offices or for docketing in the local office. Each month, attorneys in the Research Division prepare research reports in approximately 240 cases for case call, and commissioner reports in some 160 cases for motion dockets, and the judges (assisted by their judicial assistants and law clerks) release opinions in roughly 280 cases and issue dispositive orders in some 320 cases. All of these individuals are also supported by a Finance office that monitors and manages our annual budget, and by a staff of Court Officers who greet our visitors, facilitate courtroom proceedings, and generally maintain the safety and security of everyone who works for or visits the Court.

The people who are the Court of Appeals work hard to effectuate its mandate: "To secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties." Michigan Court Rule 1.105. That mandate drives the Court's continued evolution as a significant component of the Michigan justice system.

Sandra Schultz Mengel, Chief Clerk
Larry Royster, Research Director

JUDGES OF THE COURT OF APPEALS

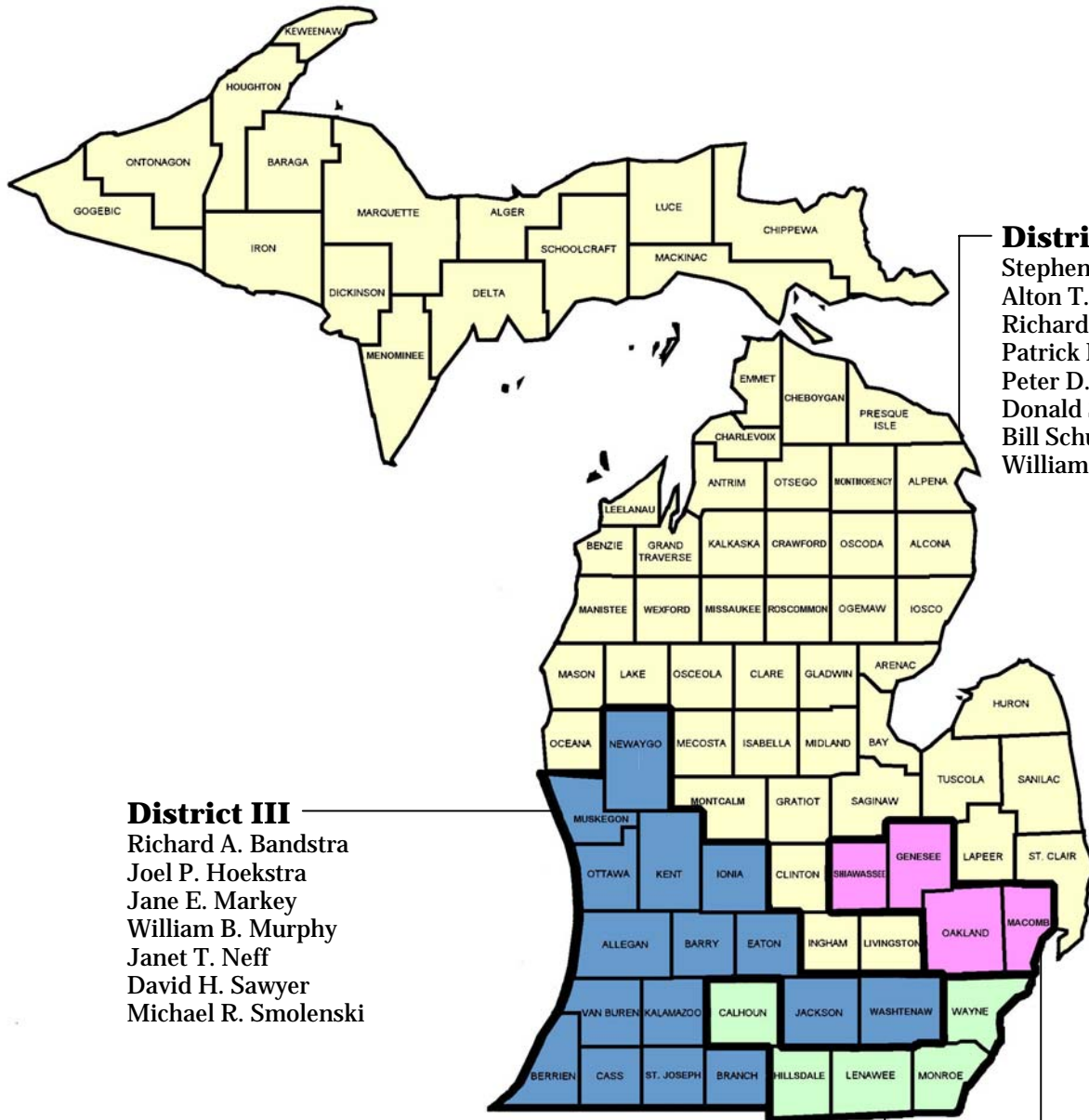
Although divided into four districts for election purposes, the Court's twenty-eight judges sit in panels of three and rotate with equal frequency with each of the other judges and among the three courtroom locations (Detroit, Lansing and Grand Rapids). A decision of any panel of judges is controlling statewide and is reviewable by the Michigan Supreme Court on leave granted.

Judges Who Served in 2005	Joined the Bench	Current Term Expires on January 1 of
Whitbeck, William C., Chief Judge	1997	2011
Smolenski, Michael R., Chief Judge Pro Tem	1995	2007
Sawyer, David H.	1987	2011
Murphy, William B.	1988	2007
Cavanagh, Mark J.	1989	2009
Griffin, Richard Allen	1989	2009*
Neff, Janet T.	1989	2007
Jansen, Kathleen	1989	2007
Fitzgerald, E. Thomas	1991	2009
White, Helene N.	1993	2011
Saad, Henry William	1994	2009
Bandstra, Richard A.	1995	2009
Hoekstra, Joel P.	1995	2011
Markey, Jane E.	1995	2009
O'Connell, Peter D.	1995	2007
Gage, Hilda R.	1997	2007
Talbot, Michael J.	1998	2009
Wilder, Kurtis T.	1998	2011
Zahra, Brian K.	1999	2007
Meter, Patrick M.	1999	2009
Owens, Donald S.	1999	2011
Cooper, Jessica R.	2001	2007
Kelly, Kirsten Frank	2001	2007
Murray, Christopher M.	2002	2009
Donofrio, Pat M.	2002	2011
Hood, Karen Fort	2003	2009
Schuette, Bill	2003	2009
Borrello, Stephen L.	2003	2007
Davis, Alton T.	2005**	2007

*Resigned effective June 26, 2005.

**Appointed effective July 14, 2005.

JUDGES BY DISTRICT IN 2005



District III
 Richard A. Bandstra
 Joel P. Hoekstra
 Jane E. Markey
 William B. Murphy
 Janet T. Neff
 David H. Sawyer
 Michael R. Smolenski

District I
 Karen Fort Hood
 Kirsten Frank Kelly
 Christopher M. Murray
 Michael J. Talbot
 Helene N. White
 Kurtis T. Wilder
 Brian K. Zahra

District IV
 Stephen L. Borrello
 Alton T. Davis**
 Richard Allen Griffin*
 Patrick M. Meter
 Peter D. O'Connell
 Donald S. Owens
 Bill Schuette
 William C. Whitbeck

District II
 Mark J. Cavanagh
 Jessica R. Cooper
 Pat M. Donofrio
 E. Thomas Fitzgerald
 Hilda R. Gage
 Kathleen Jansen
 Henry William Saad

* Resigned effective June 26, 2005.
 ** Appointed effective July 14, 2005.

40TH ANNIVERSARY

2005 marked the 40th anniversary of the Michigan Court of Appeals. A Special Session of the Court was convened on the afternoon of April 26, 2005, to commemorate and celebrate the events and accomplishments of the prior 40 years.

The Special Session opened with a procession of current and former judges that included two who served on the first Court of Appeals bench: Judge Robert B. Burns (1965-1987) and Justice John W. Fitzgerald (1965-1974). Two other members of the 1960's-era Court were also present: Justice Charles L. Levin (1966-1972) and former Chief Judge Robert J. Danhof (1969-1992).

Justice Maura D. Corrigan, former Chief Judge of the Court of Appeals from 1997 to 1998, gave the invocation. Chief Judge Pro Tem Michael R. Smolenski introduced the thirty-two current and former judges who were seated together behind the bench in the Lansing courtroom. Chief Judge William C. Whitbeck offered a memorial tribute to the twenty-two men and women who had served on the Court of Appeals but were deceased by 2005.

Judge Christopher M. Murray and former Court Administrator Donald L. ("Ace") Byerlein presented the 2005 Ace Award (see p. 8 below). Chief Clerk Sandra Mengel reported to the Special Session about recent Service Recognition ceremonies honoring 126 employees who had served from 5 to 35 years with the Court (see p. 9 below), and she recognized during the Special Session the specific contributions of the four employees who had served 30 and 35 years with the Court: Elizabeth Pyzik, Ann Madigan, Shirley Dabakey, and Barbara Buckley. Judge Donald S. Owens then delivered a benediction, and former Court Officer John Pratt adjourned the proceedings.

Following a short break, the attendees assembled again to participate in and observe several panels of Court judges and administrators who reminisced with Moderator David F. Machtel, Jr., about their years with the Court from 1965 to the present.



Moderator David Machtel, Former Chief Judge Robert Danhof, Former Court Administrator Donald Byerlein, Former Judge Robert Burns, Justice Michael Cavanagh.



Moderator David Machtel, Judge Kirsten Kelly, Research Director Larry Royster, Judge Kurtis Wilder, Judge David Sawyer.



Judge Mark Cavanagh, Judge William Murphy, Judge Janet Neff, Justice Marilyn Kelly, Chief Justice Clifford Taylor, Justice Maura Corrigan (obscured), Judge E. Thomas Fitzgerald, Judge Helene White (obscured), Judge Richard Bandstra, Former Judge Robert Burns, Judge Jane Markey (obscured), Judge Peter O'Connell, Former Justice John Fitzgerald, Judge Michael R. Smolenski (obscured), Former Justice Charles Levin, Justice Stephen Markman, Judge Michael Talbot.



Judge Richard Bandstra, Judge Jane Markey, Former Judge Robert Burns, Judge Peter O'Connell, Judge Michael Smolenski, Former Justice John Fitzgerald, Justice Stephen Markman, Former Justice Charles Levin, Judge Kurtis Wilder, Former Chief Judge Robert Danhof, Judge Patrick Meter, Justice Michael Cavanagh, Judge Kirsten Kelly, Former Judge Donald Holbrook, Jr., Judge Christopher Murray (obscured), Former Judge Walter Cynar, Judge Karen Fort Hood (obscured), Former Judge Roman Gribbs.



Judge Patrick Meter, Justice Michael Cavanagh, Judge Kirsten Kelly, Former Judge Donald Holbrook, Jr., Judge Christopher Murray, Former Judge Walter Cynar, Judge Pat Donofrio, Former Judge Roman Gribbs, Judge Karen Fort Hood (obscured), Judge Bill Schuette, Justice Elizabeth Weaver, Judge Stephen Borrello, Judge David Sawyer, Former Court Officer John Pratt.

COURT SEAL

As part of the 40th anniversary celebration, the Court of Appeals instituted a new court seal in 2005.

From the Court's inception in 1965, Court orders were marked with a seal that was distinguished by its 1960's-era spare design details.

Court records do not indicate who selected the seal or whether it was, in fact, "designed" with any particular significance in mind.



Coincident with the 40th anniversary celebration, the Court of Appeals seal was modified to incorporate design elements that commemorate the Court's history.



The new seal reflects the year that the Court began operations: 1965. The inner ring includes four stars to represent the four districts that comprise the Court. The outer ring is braided to denote that the Court operates as a unified, statewide whole. The Coat of Arms of the State of Michigan is enclosed within the rings.



CHIEF JUDGE ROBERT J. DANHOF

Portrait Unveiling

On July 1, 2005, Justices, Judges, Court staff, friends and relatives of former Chief Judge Robert J. Danhof gathered in the Grand Rapids courtroom for the unveiling of a portrait that was painted by Lansing artist Rush Clement (pictured above with Judge Danhof and his wife Peg).

Judge Danhof served on the Court of Appeals from 1969 to 1992, after being appointed to the bench by then Governor George Romney in January 1969. When he retired in 1992, he had served for nearly sixteen years as chief judge. Before joining the Court, his prior service to the State of Michigan included his tenure as a delegate to the state Constitutional Convention in the early 1960's, where he served as chair of the Judicial branch Committee, following which he was legal advisor and legislative aide to Governor Romney from 1963 to 1969.

Judge Danhof's portrait hangs in the Hall of Justice in Lansing.



ACE AWARD

On April 26, 2005, Thomas J. Rasdale of the Lansing Clerk's Office was presented with the Court of Appeals' Ace Award in recognition of his work at the Court. The Ace Award is given to outstanding individuals who are selected by the Ace Award committee of judges and administrators from among those employees who are nominated by their peers each year.

The Ace Award is named after Donald L. ("Ace") Byerlein, who served as court administrator from the Court's inception in 1965 until his retirement in 1997. Byerlein was known for being conscientious, dedicated, loyal, selfless, upbeat, civil, and possessed of the type of "can-do" attitude that characterizes the best employees at the Court.



Tom Rasdale and
Donald L. ("Ace") Byerlein

Tom Rasdale was honored for demonstrating these attributes in his work as Assistant Clerk in the Lansing Clerk's Office. Tom is known courtwide for his cheerful and professional responses to requests for assistance in drafting orders, interpreting court rules, or clarifying new procedures. He is also appreciated for his case memos, which are valued for their accuracy and breadth. He is seen as a font of institutional knowledge, a

role in which he was lauded in one nomination for his intellect, kindness and humor in helping a peer learn the "jurisdictional ropes."

Prior Ace Award honorees include:

- 1998 -- Mary Lu Hickner, Deputy Clerk
- 1999 -- Deborah Messer, Judicial Assistant
- 2000 -- John Pratt, Court Officer
- 2001 -- Mark Stoddard, District Commissioner
- 2002 -- Suzanne Gammon, Judicial Assistant
- 2003 -- Elizabeth Gordon, Research Support
- 2004 -- Carol Abdo, PC Network Support Specialist *and*
Bobbie Dembowski, District Commissioner Assistant

SERVICE RECOGNITION

In 2005, the Court instituted a Service Recognition program under which all current employees of the Court who have completed at least five years of Service Recognition time are eligible to receive Service Recognition pins and certificates reflecting their years of service to the Court.

In April 2005, Service Recognition ceremonies were conducted in each of the Court's four principal locations. Judges, administrators and managers awarded a total of 126 pins to those individuals who report directly to them:

35 years	1
30 years	3
25 years	11
20 years	7
15 years	28
10 years	33
5 years	43



COURT PERFORMANCE

Delay Reduction Plan

In 2002, the judges of the Court of Appeals adopted a Delay Reduction Plan focused on reducing the time between filing and disposition of all cases resolved by an opinion of the Court. The Preliminary Report on Delay Reduction, as well as all subsequent Progress Reports, can be accessed on the Court's website at <http://courtofappeals.mijud.net/resources/drwg.htm>.

Average time to disposition by opinion was reduced by nearly 7 months from 2001 to 2005.

Cases filed with the Court of Appeals are resolved either by opinion or order. *Order cases* move quickly from filing to disposition because the dispositive orders are usually issued before the case is eligible for review by a staff attorney and for submission for oral argument before a panel of judges. *Opinion cases* move more slowly because their facts and issues are not amenable to disposition by order, and they are thus reviewed and reported on by a staff attorney and then submitted to a panel of judges for resolution by opinion.

For the approximately 3,100 cases disposed by opinion in 2001, the average time from filing to disposition was 653 days. Thanks to the delay reduction plan, however, the average time to disposition by opinion was 603 days in 2002, 554 days in 2003, 494 days in 2004, and 449 days in 2005. Between 2001 and 2005, average time to disposition by opinion was reduced by 204 days (nearly 7 months).

Court administrators have used various delay reduction measures to enhance the preparation and assignment of cases to panels in a manner that balances age and speed. The caseload is carefully monitored at all stages to ensure that cases move smoothly and are assigned to case call as quickly as possible after they are available.

The Court issued fewer opinions in 2005 than in the three prior years, but the number still exceeded those issued in 2001 by some 8.6% (3,138 opinions in 2001 versus 3,409 opinions in 2005). And during 2005, the age of the pending caseload continued to decline such that 2005 closed with only 2.54% of the caseload pending for 18 months or more.

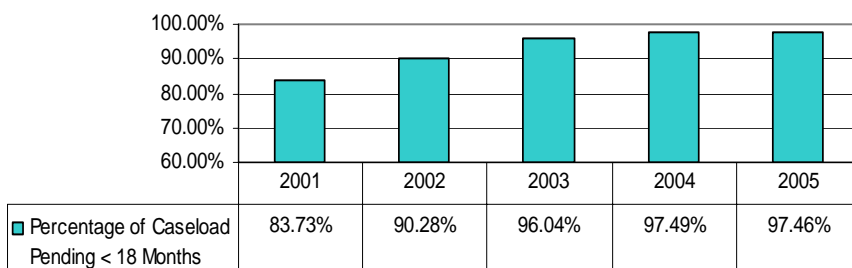
Performance Trends

The Court of Appeals has routinely tracked two measures of performance. The first is *clearance rate*, which reflects the number of cases disposed compared to the number of cases filed. In 2005, the Court posted a clearance rate of 103.03%, disposing of 7,853 cases during the same period when 7,629 cases were filed.

The second performance measure tracked by the Court of Appeals in recent years is the *relative*

age of the pending caseload. Under this measure, an 18-month standard is applied to all pending cases, with the measure reporting the percentage of pending cases that is 18 months old or younger.

Percentage of Caseload Pending < 18 Months

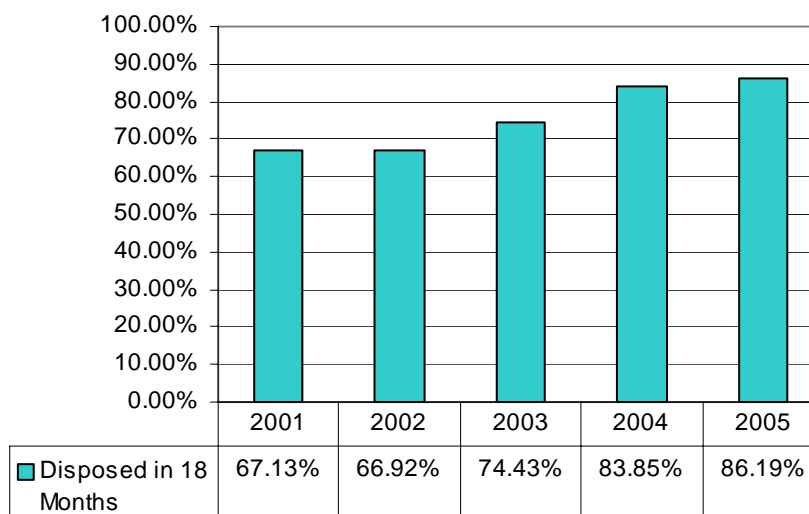


At the close of 2005, 97.46% of the Court's pending caseload was 18 months old or younger.

To balance the picture presented by the relative age data, a third measure of performance was officially added to the Court's tracking tools in late 2003. Rather than assess the percentage of the caseload that had been pending for 18 months or less, this measure tracks the percentage of cases that were

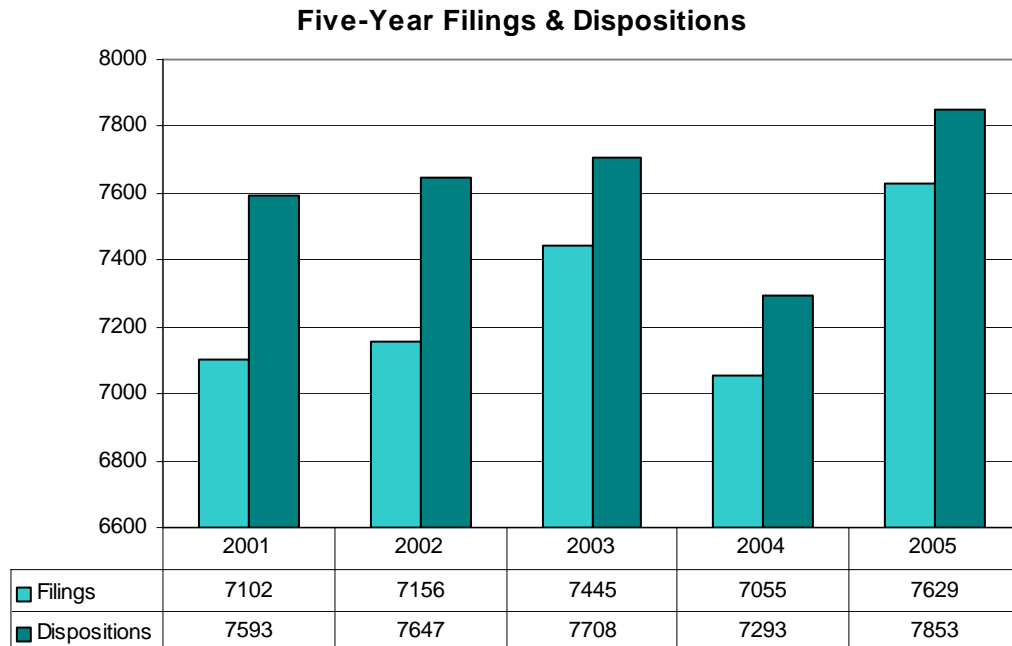
actually disposed within 18 months of filing. In 2001, only 67.13% of all opinion and order cases were disposed in 18 months or less. By 2005, 86.19% of all opinion and order cases were disposed in 18 months or less.

Percentage Disposed in 18 Months

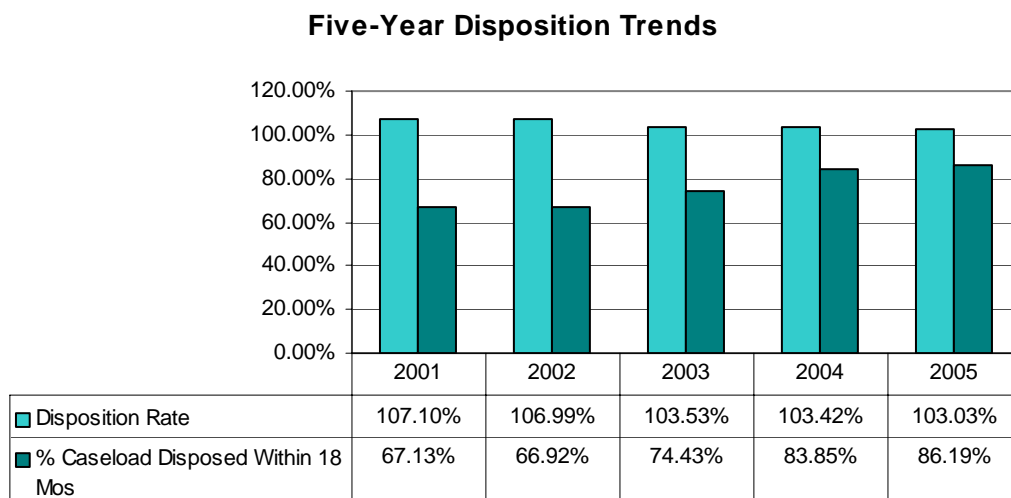


Five-Year Statistics

The following chart illustrates the Court of Appeals' performance trends for the past five years.



In 2005, filings in the Court of Appeals increased 8.14% over 2004. In the same period, dispositions in the Court of Appeals increased 7.68%. At the same time, the percentage of cases disposed within 18 months of filing increased by nearly 3% compared to 2004 and by nearly 20% compared to 2001.



CLERK'S OFFICE

Dependency Appeals

During 2005, the Clerk's Office continued its special review of all cases involving termination of parental rights. This was a continuation of a project that began in September 2002 at the invitation of then Michigan Supreme Court Chief Justice Maura D. Corrigan. A preliminary report had been issued in November 2002, a final report was issued in May 2003, and a sweeping set of court rule changes were adopted by the Supreme Court, effective May 1, 2004. The reports are found at <http://courtofappeals.mijud.net/resources/dawg.htm>. The bulk of the rule changes are located in Michigan Court Rule 3.977(I).

Special focus on dependency appeals continued in 2005. Time to disposition was cut by 30% between 2001 and 2005.

Notably, the new rule directs that, for purposes of appeal of an order terminating parental rights, the trial court should appoint counsel and order necessary transcripts on a State Court Administrative Office form that then functions as the claim of appeal, similar to a process that has been used in criminal cases for many years under Michigan Court Rule 6.425(F). Using the same form to appoint counsel, order transcripts, and initiate the appeal is projected to cut more than 28 days from time to disposition, compared to past practice and procedure.

The overall goal of this project is to reduce the average time to disposition to 210 days in dependency appeals. In 2001, the average dependency appeal was disposed by opinion in 325 days. By the close of 2005, this number had been reduced by 30% to 227 days.

Delay Reduction

Various delay reduction projects and work groups continued in 2005. The internal delay reduction work group met periodically to review success rates posted under the initiatives adopted in 2002 and to chart new means of further streamlining the processing of appeals. Progress reports are found at <http://courtofappeals.mijud.net/resources/drwg.htm>.

Expedited Track for Summary Disposition Appeals

The Case Management Work Group, an interdisciplinary group comprised of Court judges and administrators and State Bar of Michigan representatives that was formed at the close of 2003, was instrumental in recommending a two-year experiment in expedited case processing for

appeals from orders granting or denying summary disposition. The Case Management Work Group's reports can be found at <http://courtofappeals.mjud.net/resources/cmwg.htm>.

Following an opportunity for comment and a public hearing, the Supreme Court issued Administrative Order 2004-5 that became effective on January 1, 2005. For a two-year project period ending December 31, 2006, appeals from orders on motion for summary disposition will be automatically placed on an expedited track under which most such appeals should be disposed within about 180 days of filing. If transcripts are ordered, they are due in about 1/3 the usual time. If they are timely filed, a premium page rate is owed to the court reporter or recorder. Briefs on appeal are shorter and must be accompanied by copies of the motion, answer, and briefs in support from the trial court. As soon as briefing is concluded, the case is to be sent to the research division for immediate review, and then it is immediately assigned to a panel of judges for disposition.

Expedited track for appeals from summary disposition orders posted positive numbers in 2005.

Detailed statistics on the expedited track can be found at http://courtofappeals.mjud.net/resources/90_90_Reports.htm. Notably, almost 300 more such appeals were filed in 2005 than the number of similar appeals in 2004. Anecdotal information suggested that this increase occurred in part because attorneys more readily recommended such appeals because they would be more quickly resolved.

Ultimately, about 1600 cases were processed on this track in 2005. Sixty-two percent were appeals by right. The remainder were applications for leave to appeal that were eligible for the track if the application was granted. Of the cases that stayed on the track, 90% of transcripts were timely filed, reflecting the positive impact of the increased page rate that was specially enacted by the Legislature for this project. And despite the substantially shorter time limits, 84% of appellants' briefs and 89% of appellees' briefs were timely filed.

However, the "success" of the track had a negative impact on the submission and disposition of the cases on the merits. From April through December 2005, some 480 cases were submitted for disposition on the merits. Initially, about 70% of submissions went to summary panels that are designed to dispose of cases without argument. By the end of December, however, the balance had shifted due to the size of the caseload and the unexpected complexity of an increasing share of the cases, and the full-year numbers reflect that only 38% were submitted on summary panel and about 62% on panels that entertained oral argument if it was preserved. Finally, while all of the opinions issued through June 2005 were released within 180 days of

filing the appeal, only 83% of the opinions issued from April through September 2005 were timely and only 69.3% of opinions issued from April through December met the 180-day deadline.

By November 2005, the declining performance trends led the Case Management Work Group to recommend that the Supreme Court adopt interim changes to the track that could be implemented in January 2006. Amended Administrative Order 2004-5 was issued on December 21, 2005, with an effective date of January 1, 2006. The Staff Comment to the Amended AO at <http://courts.michigan.gov/supremecourt/Resources/Administrative/2004-5.pdf> details the changes, the most significant of which eliminated various incremental deadlines that had provided little benefit compared to the burden of meeting them.

Court Improvement Project

During 2005, Chief Judge William C. Whitbeck instituted a Court Improvement Project under which he solicited suggestions for improvement from practitioners, State Bar sections, Court staff, and Judges. Ultimately, Court insiders submitted nineteen separate proposals while practitioners or others outside the Court submitted twenty-seven proposals.

The Court applied a multi-tiered vetting process during which each proposal was evaluated as to ease of implementation, cost of implementation, projected benefit to court operations or performance, and projected benefit to the bar and the public.

The proposals that were adopted for implementation included a form cover page for briefs on appeal that incorporates a proof of service, a court reporter warning letter that is used when transcripts are overdue, a form motion to extend briefing time, a customer comment form available at the Clerk's counters and on the website, a rule amendment to extend the time to answer certain motions to 14 days, and a policy to alert the appropriate section of the State Bar of Michigan when a Court of Appeals panel of judges requests amicus briefs in a specific case.

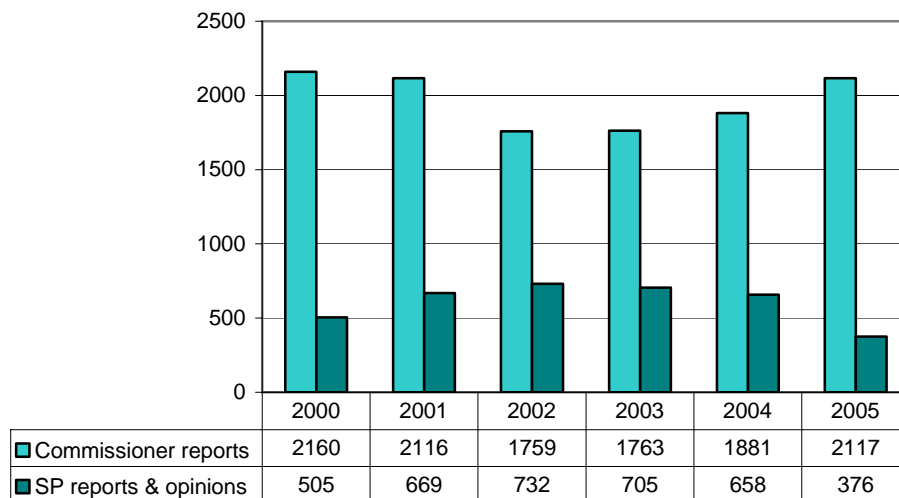
RESEARCH DIVISION

Commissioners

The Commissioners are experienced central staff attorneys whose primary functions are to prepare written reports in (1) discretionary matters such as applications for leave to appeal, (2) motions to withdraw as counsel or to remand, and (3) complaints for writs of habeas corpus, superintending control, and mandamus. The Commissioners also review incoming emergency applications and work closely with the judges to resolve priority matters on an expedited basis. Several Commissioners also prepare reports and proposed opinions in cases assigned to summary panels. The Commissioners are located in each of the four district offices—Detroit, Troy, Lansing and Grand Rapids.

In 2005, the Commissioners prepared reports in 2,117 leave applications and miscellaneous matters and 376 reports and proposed opinions in cases assigned to summary panels. The chart below compares the 2005 production of both commissioner reports and summary panel reports with the production numbers from the prior five years.

Commissioner Production

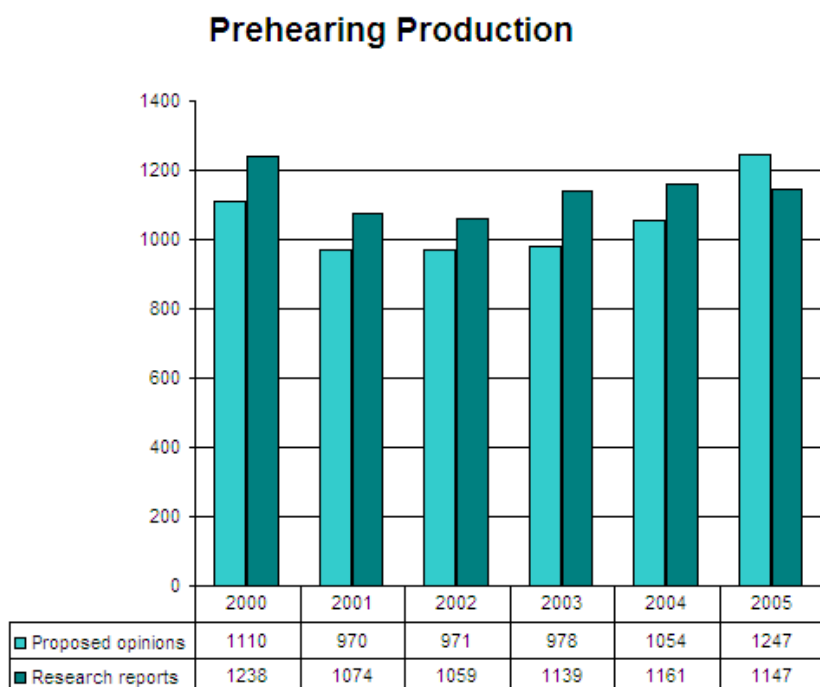


Prehearing, Senior Research and Contract Attorneys

Prehearing attorneys are typically recent law school graduates who are hired for a period of one to three years. They prepare research reports in cases that are determined to be in the mid-range of difficulty. The reports are confidential intra-Court documents that contain a

comprehensive and neutral presentation of the material facts, a recitation of the issues raised by the parties, a summary of the parties' arguments, a thorough analysis of the law and facts on each issue, and a recommendation as to the appropriate disposition. In cases involving non-jurisprudentially significant issues, the attorneys also draft proposed opinions that accompany the reports. Prehearing has offices in Detroit, Lansing and Grand Rapids.

In 2005, prehearing attorneys prepared 1,247 reports and 1,147 proposed opinions for case call. The chart below compares the production numbers of prehearing from 2000 through 2005.

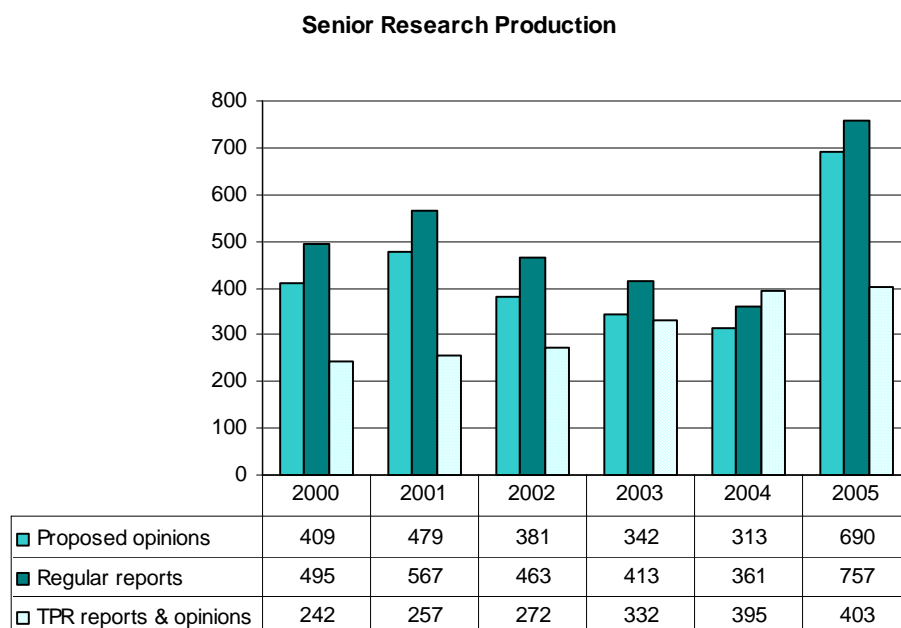


Senior research is comprised of experienced attorneys whose backgrounds typically include prehearing, judicial clerkships and private practice. Unlike prehearing, the tenure of the senior research attorneys is not for a limited duration. The primary function of these attorneys is to prepare research reports in the longer or more complex cases for case call, although they also prepare reports in a significant number of termination of parental rights appeals. The content of these research reports is the same as those prepared by prehearing. The main office of senior research is located in Detroit, but several attorneys are housed in Lansing and Grand Rapids.

Contract attorneys, as their title indicates, work for the Court on a contractual basis, primarily preparing reports and opinions in routine termination of parental rights (TPR) appeals. In 2005, the contract attorneys also prepared reports and proposed opinions in some routine criminal and civil appeals. Most of the twenty-six contract attorneys previously worked for the Court in prehearing, senior research, or the commissioners office. They now work from their

homes and are not otherwise engaged in the practice of law. The contract attorneys' production of reports and opinions is included with the production of senior research because their work is largely reviewed and edited by a supervising attorney in that office. The value of the contract attorney program to the Court cannot be overstated. In 2005, 612 TPR appeals were filed. This number of annual filings is second only to the 616 TPR appeals that were filed in 1999. Without the assistance of the contract attorneys in preparing the vast majority of reports and proposed opinions in the routine TPR appeals, these case simply could not be processed as quickly and efficiently. Moreover, if staff attorneys were required to process the TPR appeals instead, there would be significant delay in the dispositions of other case types.

In 2005, the senior research attorneys and contract attorneys prepared 757 research reports and 690 proposed opinions in regular civil and criminal appeals, and 403 reports and opinions in TPR appeals.



The table to the right lists the average number of prehearing and senior research attorneys on staff in 2005 compared to the previous five years, as well as the aggregate and the average day evaluations of the cases during the same time period.

	Number of PH Attorneys	Number of Sr. Research Attorneys	Aggregate Day Eval of All Cases	Average Day Eval of All Cases
2000	31.4	23.3	7,349	4.43
2001	29.5	22.2	7,475	4.42
2002	28.5	16.6	7,623	4.57
2003	32.0	15.3	8,225	4.31
2004	31.8	13.0	7,646	3.99
2005	30.3	15.1	7,727	3.97

Settlement Office

The Settlement Office has been in operation for eight years and currently is staffed by the settlement director and an administrative assistant. Cases for the settlement program are generally selected in one of two ways. First, certain types of cases, such as personal injury/negligence, auto negligence and employment cases bearing the lower court case classification code suffix of NI, NO and CD, in which there is a judgment for the plaintiff are placed in the program automatically when the appeal is first filed. Second, the settlement director reviews docketing statements early in the appeal process to find other suitable cases including but not limited to contract, property, worker's compensation, condemnation, domestic relations, estate, default, etc. Additionally, counsel may call the Settlement Office to request inclusion of their appeal(s) in the program. In 2005, twenty-two such requests were made and four cases were accepted. There were 277 total cases selected for settlement conferences last year.

In 2005, the Settlement Office continued with both the general civil and the domestic relations settlement program. The settlement program was successful in settling 76 of 224 cases or 33.9% of its workload (53 matters were still pending at year's end). The number of settled cases was

SETTLEMENT CASES 2005			
Case Type	Settled	Not Settled	Success Rate
ALL CASES	76	148	33.9%
Major Case Types (by lower court suffix):			
CH	7	13	35.0%
CK	10	27	27.0%
CZ	8	20	28.6%
DM	4	8	33.3%
DO	1	12	7.7%
NF	3	5	37.5%
NH	8	2	80.0%
NI	7	12	36.8%
NO	11	15	42.3%
NZ	1	6	14.3%
Tax	2	5	28.6%
Others	14	23	37.8%

just shy of the 77 cases settled in 2004, but the rate of settlement was slightly higher than the 31.8% rate that year. Categorically, the general civil and domestic relations settlement rates were 35.7% and 20%, respectively. The low domestic relations rate was primarily attributable to the reduced number of domestic relations cases (designated by a DO or DM suffix) that were submitted to volunteer facilitators in 2005. The chart to the left summarizes the dispositions of the major case types, as indicated by the lower court case classification code/suffix.

INFORMATION SYSTEMS

VoIP Phones

In 2004, the Court began a project of switching all telephones courtwide from analog phones to digital phones using a technology known as Voice over Internet Protocol (VoIP) or IP Telephony. In early 2005, the project was completed and all judges and staff had been trained on the new phones. Not only are our users extremely happy with the new system, but the Court is saving money on long distance calls between Court locations.

Audio Recording of Oral Arguments

In early 2005, a pilot project was implemented to digitally record oral arguments. During the pilot phase, dual recording was also being done on cassette tapes. This new method allows the court officer to click a button as each case is called, and the arguments are automatically recorded. At the end of the case call, the court officer clicks another button and the audio files are scheduled for overnight uploading to the case management system (Mappis) where they are automatically linked to the appropriate docket event. This enables internal court staff to click a link on the case docket and listen to the full arguments for that case. Once the system has been fully tested, it will no longer be necessary to record to cassette tapes.

eFiling Pilot Project

On June 20, 2005, the Michigan Court of Appeals officially opened its doors to electronic filing (eFiling) of Court documents. The Court of Appeals was a participant in a large-scale Judicial Branch project to facilitate electronic filing of case documents throughout all Michigan courts. The system was designed in tandem with IBM and the Supreme Court to enable electronic submission of standard documents and payment of Court filing fees.

The eFiling pilot project was applicable on a voluntary basis only for appeals (pending or newly filed) arising from orders entered by the Michigan Public Service Commission. This group was targeted because they had some experience with the MPSC's electronic filing system. Prior to the launch date, training sessions were conducted by the Information Systems trainer for nearly 50 attorneys and support staff. The system requires that the parties accomplish service of all filings as required by the applicable court rules. Although the system is available for use around the clock, filings must be received by 5:00 pm in order to be docketed for that business day.

By year end, the Court of Appeals had more than 80 registered users and 322 successful eFilings in 33 MPSC cases. If the pilot is successful, the hope is to expand the case types to allow a wider

range of attorneys to use the system. However, it will still be a number of years before the system is opened to all case types.

Scanners in Research Division

As the Court moves forward with eFiling for attorneys and pro pers, efforts are being made to make internally generated documents available electronically, as well. Digital scanners were installed in the three Research Division locations. This gave the Research staff the ability to scan hard copy documents that are part of the lower court record and attach them as appendices to their research reports generated through their word processors. These fully electronic documents are then uploaded to the case management system (Mappis), and made available to judicial chambers. There is no longer a need to send hard copies of reports to judges. This saves time in the Research Division by eliminating copying, stuffing envelopes and mailing the reports and it also makes the reports available to judges in a more timely fashion.

Public Access Kiosks

In early November, public information kiosks were placed in the district Clerk's Offices. Visitors to those offices can now access the Michigan Court of Appeals and Michigan Supreme Court websites and also look up opinions and orders, case call schedules, court rules, and other case-specific information, at no charge. These workstations were placed in convenient locations for the public and are available during Clerk's Office business hours. If a printout is required, one can be requested from the front counter staff as in the past.

Information Systems and Clerk's Office managers worked together to determine what type of information to provide to the public. A user-friendly interface is part of the design. These kiosks were developed using all open source technologies, including Novell Linux Desktop and Firefox web browser. No new license fees were required to set up these kiosks.

As with the public website, confidential information is restricted from public viewing. The kiosks should have a direct benefit to the public, in terms of access to court information. They should also have a direct impact on each district's resources in the way of fewer phone calls and counter visits.

Convenient public information kiosks in district Clerk's Offices provide access to the Court of Appeals and Supreme Court websites, as well as opinions and orders, case call schedules, court rules, and other case-specific information, at no charge.

Supreme Court Orders Available Instantaneously to COA Judges and Staff

In a collaborative effort with the Supreme Court, Information Systems staff was able to make Supreme Court orders available to Court users through the Court's case management system (Mappis). Prior to this enhancement, COA judges relied on receiving paper copies of orders, which took several days to distribute. Under the new system, Supreme Court orders show up on Mappis the day they are issued.

A next-day email notification service for Supreme Court orders was also established. All such orders are listed in one email message and sent to each judge who participated in the COA panel that was most recently assigned to the case. The email message includes a link to each order so the judge has the ability to read it on the screen or print it. This new notification system will save about three days each month of Clerk's Office staff time and will also ensure that each judge receives notice of and access to MSC orders as quickly as possible.

Supreme Court Orders Available on the Public Website

Supreme Court orders are available on the Court of Appeals website through the Case Inquiry feature. The case information has evolved to include links to opinions and orders from the corresponding docket entries, similar to internal Mappis case inquiries. By design, the orders show up on the COA website the day after they are issued. Orders released September 21, 2005 and later are available.

Listserv

During 2005, the opinion notification service was migrated from an internally managed system to a Listserv service hosted by the State of Michigan Department of Information Technology. 1591 users were migrated to the new system on June 8, and by year end the list had 1868 subscribers. This service is provided by the State at no cost to the Court. The improved maintainability of the new Listserv system made it feasible to also begin offering a similar service for Supreme Court orders. This service was opened to the public October 25, and by year end had 189 subscribers. Information on subscribing to these lists can be found at <http://www.courtofappeals.mijud.net/resources/subscribe.htm>.

Access to Wayne Circuit Court Systems

The Court of Appeals has made arrangements for approximately 20 employees (mainly Detroit Clerk's Office staff and Commissioners) to remotely access Wayne Circuit Court's case management systems (criminal, civil, and juvenile) to answer routine questions about pending

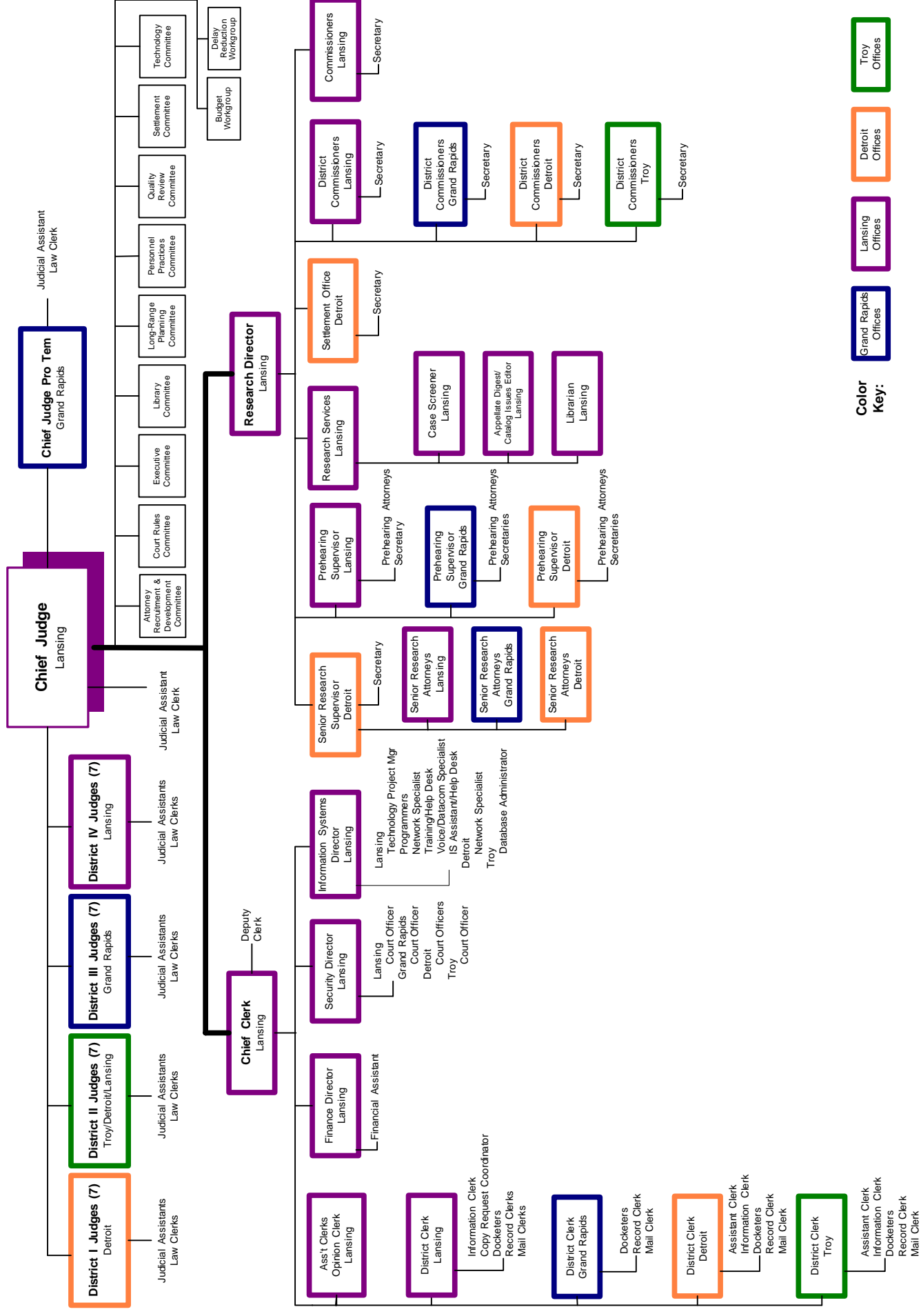
cases. Accessing the case information in this way will reduce the time spent by staff at both courts requesting and responding to requests for the same information. Training for this project was conducted internally by the Information Systems trainer.

COA Database Upgrade

The Court uses Oracle for its database system. During 2005, Information Systems staff upgraded the database technology by implementing new and improved database software and servers. This improvement makes it possible to develop and manage the database so that we can realize the benefits of technological innovations underway now and in the future. The recent upgrade put in place two (rather than four) new and improved databases – one in Lansing and one in Detroit – plus a backup. These databases had been under development and testing for over a year prior to their implementation. In addition, as part of this upgrade, we are now using Linux as the operating system on the database servers rather than Microsoft server software.

This upgrade was done to make the database system more secure and to reduce the amount of maintenance required. Fewer locations means that communication can be streamlined while reducing replication and data issues. In addition, with the switch to Linux servers, database security is substantially increased. Reducing the number of database sites greatly reduces the likelihood of synchronization errors with the database. This saves significant staff time needed for repair and maintenance. This move also reduces the dollars spent on service contracts and licensing. Maintenance and bi-weekly backups are still done as in the past; however, the workload is less intensive.

September 2005



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